

Remarks

Claims 1-14, 19-24 and 29-44 are currently pending. Claims 37-44 have been added.

Claims 1-14 and 29-33 were rejected under 35 USC 101 as being directed to non-statutory subject matter. Claim 1 has been amended to satisfy the transformation test. More specifically, claim 1 has been amended to recite selecting one or more risk categories for the identified risk and selecting the qualitative probability definition that characterizes the risk thereby specify Pf for each risk category (see p 12, l 28 to p 13, l 1). A risk mitigation plan is formulated (p 14, lines 14-16) and the activities performed (p 14, lines 26-29 and p 15, lines 12-13). As the plan is implemented, a user can reassess the risk and update Pf and Cf (p 15, lines 13-14). A chart of risk exposure over time is displayed (p 10, lines 6-9 and page 15, line 21 to p 16, line 9) and the mitigation plan adjusted based on the risk exposure (p 15, lines 14-18)

Claim 1-2, 7-11 and 13-14 and 29-33 were rejected under 35 U.S.C. 103(a) as being unpatentable over Abrahams (2005/0086090) in view of Beverina (2001/0027389). Claims 3-6 and 12 were rejected as being unpatentable over Abrahams and Beverina in view of Examiner's Official Notice that it is well known to measure negative impacts upon projects and to record minutes or topics discussed and the meeting date. Claims 19-20, 22-24 and 34-36 were rejected as being unpatentable over Abrahams and Beverina in view of Heinrich US 6,895,383, which teaches an intranet for connecting workstations. Claims 21 was rejected as being unpatentable over Abrahams, Beverina and Heinrich in view of Examiner's Official Notice that it is well known to measure negative impacts upon projects.

Independent claims 1, 19 and 41 each contain a limitation of "storing a probability of occurrence (Pf) table having a plurality of risk categories for the development project, each said category having a plurality of table entries, each entry including a category-specific standardized qualitative probability definition associated with a Pf rating". The Pf table includes a plurality of risk categories for the current development project. As shown in Figure 9 and described at page 10, lines 3-19 these "categories" may include assembly, engineering, hardware, materials, producibility, software, testing, reliability etc. The "profiles" or "categories" shown in Figures 1a-1c and discussed in para [0033-

0034] of Abrahams are best equated to different “development projects” in the context of the invention. When faced with a certain situation or problem, a user of Abraham’s invention would select the closest profile or category and proceed from there. The term “category” has very different meanings as used in Abrahams and Applicant’s invention.

Applicant’s entries are “category-specific standardized qualitative probability definitions”. For example, as shown in Figure 9, the “technology”, “hardware”, “requirements” and “test” categories each have different probability definitions tailored to the particular category. For example, for a $Pf=0.4$ the category of “technology” has a standardized qualitative probability definition of “Proven technology and approach. Feasibility analysis complete” and the category of “hardware” has a definition of “redesign, significant modifications”. For a specified risk, the user views the Pf table to select the one or more risk categories for the each risk and for each category selects the qualitative probability definition that characterizes the risk thereby specifying a probability of occurrence Pf for each risk category and each risk. By comparison, Abrahams Table 1 does not have multiple risk categories and does not provide “category specific” definitions. Table 1 is generic and is applied to all specified risks and risk categories in the same manner. Even assuming (albeit incorrectly) that Abrahams did teach risk categories as that term is used by Applicant, Abrahams still teaches using the same generic Table 1 to assign Pf values. If the Abrahams user encounters a hardware risk than the user must decide based on his or her own subjective assessment whether the risk is “rare”, “unlikely”, “possible”, “likely” or “almost certain”. If the user encounters a technology risk, he or she repeats the same assessment. These “levels” are certainly not category-specific; Table 1 does not provide a different definition of “rare” for a hardware risk, a software risk, a technology risk and so forth. Furthermore, the terms “rare”, “unlikely” etc. are not ‘standardized qualitative probability definitions’, they are undefined. Table 1 itself includes the parenthetical “subjective value” under the heading Level. Applicant invites the Examiner to simply compare Applicant’s Figure 9 as a representative example of a Pf table with Abrahams Table 1, the differences we are claiming are clear. The Examiner is correct that Applicant’s claimed invention does not eliminate all user subjectivity. The user must still decide which entry to select. However, the user is provided with a qualitative description tailored to the particular risk

category. This greatly diminishes subjectivity and variability from user-to-user, risk-to-risk and project-to-project thereby providing a better risk assessment.

Independent claim 1 as amended, dependent claim 34 as amended and new claim 41 also recite limitations directed at displaying a chart of the risk exposure (cost exposure and schedule exposure in claim 41) over time, displaying the Pf and Cf tables to reassess the at least one risk and select Pf and Cf to update the prioritized risk factors Rf and adjusting the mitigation plan based on the cost or schedule exposure. The display of the risk exposure to facilitate reassessment of the risks as the mitigation activities are performed and adjustment of the mitigation plan are features not addressed in either Abrahams or Beverina.

Claims 2, 4 and 5 have been amended so that the features are functionally involved in the steps recited.

Claim 2 as amended and 41 further specify selecting Cf ratings for both cost and schedule impact and displaying both cost and schedule exposure. Applicant further notes that the cost and schedule impacts are “project-specific amounts”. The amounts specified for cost in Table 2 are not “project-specific”. Table 2 is applicable for each profile or category without modification. What is “insignificant” or “minor” is treated as an absolute and not tailored to the project.

Claim 4 further specifies selecting a Cf rating for each cost sub-category. This is not suggested in the art.

Claim 5 further specifies particular cost sub-categories and displays the risk exposure for each. This is not suggested in the art.

Regarding claims 30 and 34, both good and bad plans may be stored in the Abrahams and/or Beverina invention, but they are not identified as good or bad plans. How is the user to know whether the plans were successful? By the nature of the type of plans inherent to the Abrahams and Beverina inventions, there is no way of knowing if the plans are successful until there is an attempt to circumvent the controls they have in place. This information is not captured within their inventions. Our invention captures the outcome of mitigation activity attempts. It becomes very obvious that a mitigation activity is not successful when the Pf or Cf increases rather than decreases.

Regarding claim 33, Abrahams and Beverina inventions have a single activity control implementation. There is no mitigation over time and, therefore, there are no associated Pf and Cf ratings as the mitigation activities are completed.

Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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Date: March 27, 2009

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